

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

KIMBERLY MARIE KATZENBERGER,

Civil No. 10-6029-CL

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Commission,

Defendant.

PANNER, District Judge:

Plaintiff obtained a judgment remanding this matter for payment of benefits pursuant to sentence four of 42 U.S.C. § 405(g) (#29). Plaintiff has filed a "Settlement and Stipulated Motion for Entry of Order Awarding Attorney's Fees Pursuant to EAJA" (#30) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, seeking attorney's fees in the amount of \$4,878.08, [27.65 total hours of attorney time]. No costs or expenses are requested. Plaintiff is the prevailing party. Plaintiff's counsel represents that plaintiff's net worth meets the EAJA net worth requirements.

Having reviewed the record, I find that the Commissioner's position was not substantially justified, and the number of hours spent by plaintiff's counsel and the hourly fees requested are

reasonable under the EAJA. Plaintiff's stipulated motion for attorney's fees (#30) under the EAJA is granted and \$4,878.08 is awarded to Plaintiff. Payment of this award shall be made payable to Plaintiff and mailed to Plaintiff's attorneys at Harder, Wells, Baron & Manning, P.C., 474 Willamette Street, Eugene, Oregon 97401. Pursuant to *Astrue v. Ratliff*, ___ U.S. ___, 130 S. Ct. 2501 (2010), the award shall be made payable to Plaintiff's attorney if the Commissioner confirms that Plaintiff owes no debt to the government through the federal treasury offset program.

IT IS SO ORDERED.

DATED this 6 day of January, 2012.


OWEN M. PANNER
UNITED STATES DISTRICT JUDGE